

REMARKS

Claims 1-11 are all the claims pending in the application. Claims 1-11 have been examined and have been rejected under 35 U.S.C. § 102(b).

AMENDMENTS TO THE CLAIMS

Claims 1 and 9 have been amended as shown above. Support for these amendments can be found at, *inter alia*, page 11 of the present Application.

REJECTIONS UNDER 35 U.S.C. § 102(b)

The Examiner has rejected claims 1-11 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,354,501 to Outwater *et al.* (“Outwater”). However, for at least the following reasons, Applicant traverses the rejection.

A. Claims 1 and 9

Claims 1 and 9 have been amended to recite “wherein the label is formed by applying a surface layer on a base layer, and removing a portion of the surface layer by application of a laser beam.” While Outwater discloses that a mark 10 is printed onto the foil 50 (column 4, lines 43-47), it does not specifically say how it is printed. Accordingly, Outwater fails to teach or suggest each limitation of independent claims 1 and 9.

B. Claims 2-8 and 10-11

Claims 2-8 and 10-11 depend from claims 1 and 9, respectively. Applicant respectfully submits that claims 2-8 and 10-11 are patentable over Outwater at least based on their respective dependencies.

CONCLUSION

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.


Respectfully submitted,

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